

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ROGER LYNN BEASON,**

Plaintiff,

v.

**K SCHAECHER, et al.,**

Defendants.

**Civ. No. 2:15-cv-01274-CL**

**OPINION AND ORDER**

**MCSHANE, Judge:**

Plaintiff, who is incarcerated and proceeding *pro se*, brings this action under 42 U.S.C. § 1983, seeking damages for alleged falsified conviction records resulting in violations of his constitutional rights. On August 24, 2015, Magistrate Judge Mark D. Clarke directed Plaintiff to amend his initial complaint into a proper petition for habeas corpus under 28 U.S.C. § 2254. Judge Clarke advised Plaintiff that his failure to do so would result in dismissal of this action. Plaintiff requested review of that order. Judge Ann Aiken affirmed on October 20, 2015. Plaintiff thereafter failed to issue an amended complaint, per Judge Clarke's initial order.

On February 8, 2016, Judge Clarke issued a Findings and Recommendation that this Court dismiss this action without prejudice. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Because Plaintiff did not timely file objections to the Findings and Recommendation, this Court reviews only the legal principles contained therein *de novo*. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840

F.2d 1441, 1445 (9th Cir. 1988). Upon review, this Court finds no error in Judge Clarke's Findings and Recommendation.

**CONCLUSION**

This Court ADOPTS Judge Clarke's Findings and Recommendation, ECF No. 16, in full. This action is DISMISSED without prejudice for lack of jurisdiction, ECF No. 7, and failure to prosecute. The clerk shall enter a judgment accordingly.

IT IS SO ORDERED.

DATED this 16 day of March, 2016.

  
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**Michael J. McShane**  
**United States District Judge**